Single Bench (1) (3)

of (100)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 51 / 2005

PETITIONER:

Rameshar Sahu,
S/o Derhu Ram Sahu,
aged about 55 Years,
Occupation Mate in the
Department of Water
Resources, Sub Division Rajim
R/o Village Basin, Thana &
Tehsil Rajim , District Raipur ,
C.G.

R.R. No. 48/05
Presented by Shri Satyendra Sahu
dated 05.01.05

VERSUS

RESPONDENTS:

1. State of Chhattisgarh
Through the Secretary,
Water Resource Department
Mantralaya, D.K.S.Bhavan
Raipur (C.G.)

2. Sub Divisional Officer,
Water Resource Department
Sub Division Rajim, District
Raipur ,C.G.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUENCE OF WRIT IN THE NATURE OF MANDAMUS, PROHIBTION, CERTIORARI, AND ANY OTHER WRITS, DIRECTIONS OR ORDERS.

(26)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 51/05 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

27/01/2005

Shri Alok Dewangan, counsel for the petitioner.

Shri Vinod Shrivastava, G.A. for the State.

Heard on I.A. No. 171/2005 for urgent hearing. It is allowed.

The petitioner has filed this instant petition against the order vide Annexure P-1, passed by respondent No.2 by which the petitioner who is working as Mate in the Water Resources Department of respondents has been superannuated with effect from 28/06/2004 after attaining the age of 55 years. The above order is passed and reference to this order vide Annexure P-2 by which the order of superannuation was reduced to 55 years.

Learned counsel for the petitioner further submits that the State Government has already taken the decision and issued a letter dated 16/08/2004 whereby the age of superannuation has been fixed to 60 years as before. Learned counsel for the petitioner submits that in view of that decision, this Court has allowed the petition of similar nature and the respondents have been directed to implement their order dated 16/08/2004. This is not disputed by Shri Vinod Shrivastava, G.A. for the State.

Learned counsel for the petitioner submits that ends of justice will be served if the petitioner is allowed to make a representation which is to be decided within the stipulated period

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 51/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

in the light of the order dated 29/09/2004 passed in W.P. No. 1012/2003.

I have heard learned counsel for the petitioner and also counsel for the State and I am of the opinion that in view of the fact that the Government has already amended its policy and extended the age of superannuation to 60 years by its order dated 16/08/2004 and the interest of justice shall be served if the petitioner is given liberty to make detailed representation before the respondents against the order as per Annexure P-1 along with copy of this order within 10 days from today and thereafter the above representation shall be decided by the respondents within a further period of four weeks in the light of the order of this Court order dated 29/09/2004 passed in W.P. No. 1012/2003.

With the aforesaid observation, the petition is disposed of.

Consequently, I.A. No. 171/2005 stands disposed of.

Sd/-
Dhirendra Mishra
Judge

31/1/05